

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VESTAL VENTURE CAPITAL,

Plaintiff,

-against-

PRIDE BUSINESS DEVELOPMENT HOLDINGS,
INC. and MICHAEL M. MARKOW,

Defendants.
-----X

07 Civ. 9936
Judge Chin

CHMS
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC #:

DATE FILED: 3/12/08

AMENDED DEFAULT JUDGMENT

08, 0325

This action having been commenced on November 9, 2007 by the filing of the Summons and Complaint, and copies of the Summons and Complaint having been served upon defendants by substituted service upon Allison Tepper, a person duly authorized to accept service of process on behalf of the defendants on November 20, 2007 at defendants' place of business in Camarillo, California, and by mailing copies of the Summons and Complaint to defendants by first-class mail, postage prepaid, on November 20, 2007 by Nancy Perry of Janney and Janney Attorney Service, and proofs of service having been filed with the Clerk of the Court on December 12, 2007 and the defendants not having answered the Complaint, and the time for answering the Complaint having expired it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant Pride Business Development Holdings, Inc. on the First Cause of Action and against defendant Michael M. Markow on the Fourth Cause of Action in the liquidated amount of the sum of \$300,000 plus interest at 18% from December 9, 2006 until February 22, 2008, in the amount of \$64,947, amounting in all to \$364,947; and it is further

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant Pride Business Development Holdings, Inc. on the Second Cause of Action and against defendant Michael M. Markow on the Fifth Cause of Action in the liquidated amount of the sum of \$50,000 plus interest at 18% from November 18, 2005 to February 22, 2008, in the amount of \$20,367 amounting in all to \$70,367; and it is further

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant Pride Business Development Holdings, Inc. on the Third Cause of Action and against defendant Michael M. Markow on the Sixth Cause of Action in the liquidated amount of the sum of \$175,000 plus interest at 18% from April 10, 2007 to February 22, 2008, in the amount of \$13,759 amounting in all to \$188,759; and it is further

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendants Pride Business Development Holdings, Inc. and Michael M. Markow for plaintiff's attorneys' fees and costs in bringing this action for a total of \$10,477.

Dated: New York, New York

3/11/08



U.S.D.J.

This document was entered on the docket on

*This awarded
judgment supersedes
the judgment dated
2/29/08.*

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

Date:

In Re:

-v-

Case #:

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Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

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-V-
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NOTICE OF APPEAL

civ. ()

Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

civ.

()

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

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**NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME**

civ. ()

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time
_____ respectfully requests the court to grant an extension of time in
(party)
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

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AFFIRMATION OF SERVICE

civ. ()

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

(Signature)

(Address)

(City, State and Zip Code)

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006